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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	NO. 07-CR-265 JST; 16-CR-410 JST
)	
Plaintiff,)	
)	
v.)	STIPULATION AND PROPOSED ORDER
)	TO CONTINUE HEARING DATE TO
)	DECEMBER 9, 2016 AND TO EXCLUDE
)	TIME UNDER THE SPEEDY TRIAL ACT
MELVIN CRUZ MENDOZA,)	
)	
Defendant.)	Status Date: November 18, 2016
)	Time: 9:30 a.m.
)	
)	
)	

The above-captioned matters are set on November 18, 2016, before this Honorable Court for status hearings. The parties jointly request that the Court continue these matters to December 9, 2016, at 9:30 a.m., and that the Court exclude time under the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), through December 9, 2016.

Mr. Cruz Mendoza has been charged in a Probation Form 12 Petition alleging that he violated the terms of his supervision in a 2007 illegal reentry case. He has also been charged in a one-count indictment alleging illegal reentry, a violation of 8 U.S.C. § 1326. Mr. Cruz Mendoza was arraigned on the indictment on October 24, 2016.

1 Counsel for Mr. Cruz Mendoza needs time to review the discovery and to meet with Mr.
2 Cruz Mendoza regarding the Form 12 Petition and the new indictment. In addition, counsel is
3 investigating issues related to Mr. Cruz Mendoza's competency and the defense has ordered
4 psychological records and has interviewed Mr. Cruz Mendoza's family members about this issue.
5 Counsel needs additional time to process this information and meet with Mr. Cruz Mendoza to
6 determine what recommendations, if any, defense counsel will make to the Court concerning Mr.
7 Cruz Mendoza's competency. Finally, defense counsel needs time to assess the federal sentencing
8 guidelines and to determine if there are any motions that could be filed on Mr. Cruz Mendoza's
9 behalf. For these reasons, the defense requests additional time to prepare, and the parties agree
10 that it is appropriate to continue this case until December 9, 2016. The parties have contacted
11 Malik Ricard, the probation officer assigned to this case, and he is available on the requested date.

12 The parties stipulate and agree that the ends of justice served by this continuance outweigh
13 the best interest of the public and the defendant in a speedy trial. The parties further agree that the
14 failure to grant this continuance would unreasonably deny counsel for defendant the reasonable
15 time necessary for effective preparation, taking into account the exercise of due diligence.
16 Accordingly, the parties agree that in case number 16-CR-410 JST the period of time through
17 December 9, 2016, should be excluded in accordance with the provisions of the Speedy Trial Act,
18 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), for effective preparation of defense counsel, taking into
19 account the exercise of due diligence.

20 DATED: November 15, 2016

21
22 Respectfully submitted,

23
24 /s/
25 ERIN CORNELL
26 Assistant United States Attorney

24 /s/
25 ANGELA M. HANSEN
26 Assistant Federal Public Defender

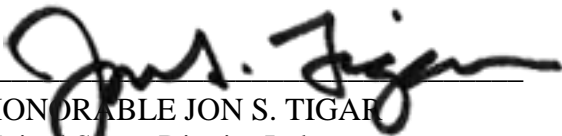
~~[PROPOSED]~~ ORDER

Based on the reasons provided in the stipulation of the parties above, and for good cause shown, the Court hereby FINDS:

1. Given that the defense needs time to review the discovery and to assess this case for motions;
2. Given that the defense needs time to assess the sentencing guidelines;
3. Given that the defense needs additional time investigate issues related to Mr. Cruz Mendoza's competency;
4. Given that these above-listed tasks are necessary for the defense preparation of the case and that the failure to grant the requested continuance would unreasonably deny counsel for defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence; and
5. Given that the ends of justice served by this continuance outweigh the best interest of the public and defendant in a speedy trial;

Based on these findings, it is ORDERED that the status hearing date of November 18, 2016, is vacated and reset for December 9, 2016, at 9:30 a.m. It is FURTHER ORDERED that time is excluded in case 16-CR-410 JST, pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), through December 9, 2016.

11/16/16
DATE


HONORABLE JON S. TIGAR
United States District Judge